

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JORGE MARTINEZ : CIVIL ACTION  
: :  
: v. :  
: :  
SKIRMISH, U.S.A., INC., ET AL. : NO. 07-5003

**O R D E R**

**AND NOW**, this 1st day of June, 2009, upon consideration of the Motion for Summary Judgment filed by Procaps Direct, Inc. and Procaps, L.P. (Docket No. 64), all documents filed with respect thereto, and the Hearing held on May 14, 2009, **IT IS HEREBY ORDERED** as follows:

1. The Motion for Summary Judgment filed by Procaps Direct, Inc. and Procaps, L.P. (Docket No. 64) is **GRANTED**.
2. The Complaint filed by Plaintiff against Procaps Direct, Inc. and Procaps, L.P. (Docket No. 59) is **DISMISSED** and **JUDGMENT** is entered in favor of Procaps Direct, Inc. and Procaps, L.P. and against Plaintiff.
3. The Third-party Complaint filed by Skirmish, U.S.A., Inc. against Procaps Direct, Inc. (Docket No. 35) is **DISMISSED** and **JUDGMENT** is entered in favor of Procaps Direct, Inc. and against Skirmish, U.S.A., Inc.
4. The Third-party Complaint filed by Skirmish, U.S.A., Inc. against Procaps L.P. (Docket No. 37) is **DISMISSED** and **JUDGMENT** is entered in favor of Procaps L.P. and against Skirmish, U.S.A., Inc.
5. Procaps Direct, Inc. and Procaps L.P. are **DISMISSED** as parties in this action.

6. Skirmish must advise the court whether it intends to pursue its claims for contribution and indemnity against Procaps, Direct USA. by June 12, 2009.

BY THE COURT:

/s/ John R. Padova

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John R. Padova, J.